

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Danny Shumpert Jr.,

Case No. 25-CV-239 (KMM/DLM)

Petitioner,

v.

**ORDER**

Minnesota Department of Corrections  
and Paul Schnell,

Defendants.

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The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Douglas L. Micko, dated February 24, 2025. Judge Micko recommends dismissal of this matter without prejudice due to a failure to prosecute. No objections have been filed to that R&R in the time period permitted. Indeed, the Court has received no communication at all from Plaintiff since he filed his Complaint on January 21, 2025.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of

the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

**IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. The Application to Proceed in District Court Without Prepaying Fees or Costs submitted by Plaintiff Danny Shumpert, Jr. (ECF 2), is **DENIED** as moot.

**Let Judgment Be Entered Accordingly.**

Date: **May 29, 2025**

s/ Katherine M. Menendez  
Katherine M. Menendez  
United States District Judge